

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Stephen J. Brown

Serial No.: 10/673,045

Title: SYSTEM AND METHOD FOR MONITORING A PHYSIOLOGICAL CONDITION

Filed: September 26, 2003

Attorney Docket No.:03-0940 / 7553.00038

Examiner: Cheung, V.

Art Unit: 3713

In Response To: Office Action mailed May 21, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Health Hero Network, Inc. is the owner of one hundred (100) percent interest in the above-identified application for a United States Patent. The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any United States Patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer of prior United States Patent No. 5,601,435, issued on February 11, 1997. The owner hereby agrees that any United States Patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This disclaimer is to run

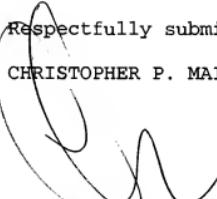
with any United States Patent granted on the above-identified application and is to be binding upon grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record and is empowered to act on behalf of the owner. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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